

SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

RULE 4901 - WOOD BURNING FIREPLACES AND WOOD BURNING HEATERS

(Adopted July 15, 1993; Amended July 17, 2003)

1.0 Purpose

The purposes of this rule are to limit emissions of carbon monoxide and particulate matter from wood burning fireplaces and wood burning heaters, and to establish a public education program to reduce wood burning emissions.

2.0 Applicability

This rule applies to:

- 2.1 Any person who manufactures, sells, offers for sale, or operates a wood burning fireplace or wood burning heater.
- 2.2 Any person who sells, offers for sale, or supplies wood intended for burning in a wood burning fireplace or wood burning heater.
- 2.3 Any person who transfers or receives a wood burning stove or wood burning heater as part of a real property sale or transfer.
- 2.4 Any person who installs a wood burning fireplace or wood burning heater in a new residential development.

3.0 Definitions

- 3.1 APCO: the Air Pollution Control Officer of the San Joaquin Valley Unified Air Pollution Control District.
- 3.2 Consumer: any person other than a distributor or a retailer who buys a wood burning fireplace or wood burning heater.
- 3.3 Distributor: any person other than a manufacturer or a retailer who sells, offers for sale, or supplies wood burning fireplace or wood burning heater to retailers or others for resale.
- 3.4 EPA: the United States Environmental Protection Agency.
- 3.5 EPA Phase II Certified: meets the performance and emissions standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations.
- 3.6 Fireplace: any permanently installed masonry or factory built device designed to be used with an air-to-fuel ratio greater than or equal to 35-to-1.

- 3.7 Garbage: any solid, semisolid, and liquid wastes generated from residential, commercial, and industrial sources, including trash, refuse, rubbish, industrial wastes, asphaltic products, manure, vegetable or animal solid or semisolid wastes, and other discarded solid or semisolid wastes.
- 3.8 Manufacturer: any person who constructs or imports a wood burning fireplace or wood burning heater.
- 3.9 New Residential Development: any single or multi family housing unit, for which construction begins on or after January 1, 2004. Construction has begun when the foundation for the structure is constructed.
- 3.10 New Wood Burning Heater: any wood burning heater that has not been sold, supplied, or exchanged for the first time by the manufacturer, the manufacturer's distributor or agency, or a retailer.
- 3.11 Paints: any exterior and interior house and trim paints, enamels, varnishes, lacquers, stains, primers, sealers, undercoaters, roof coatings, wood preservatives, shellacs, and other paints or paint-like products.
- 3.12 Paint Solvents: any organic solvents sold or used to thin paints or clean up painting equipment.
- 3.13 Pellet-Fueled Wood Burning Heater: any wood burning heater which operates on pellet-fuel and is either EPA-certified or is exempted under EPA requirements set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations.
- 3.14 Permanently Inoperable: modified in such a way that a device can no longer operate as a wood burning heater.
- 3.15 PM-10: any particulate matter having an aerodynamic diameter equal to or less than 10 microns.
- 3.16 Real Property: the land itself and anything that is permanently affixed to the land, such as buildings, and structures. Examples of real property include heating and air conditioning systems, water lines, or electrical systems that primarily are used to control the environment for people and to benefit the land.
- 3.17 Retailer: any person engaged in the sale of wood burning fireplace or wood burning heater directly to the consumer.
- 3.18 Seasoned Wood: wood of any species that has been sufficiently dried so as to contain 20 percent or less moisture by weight.
- 3.19 Sole Source: the only source of heat in a residence.

- 3.20 Treated Wood: wood of any species that has been chemically impregnated, painted, or similarly modified to improve resistance to insects or weathering.
- 3.21 Used Wood Burning Heater: any wood burning heater that has been used at least once, except wood heaters that have been used by retailers for the purpose of demonstration.
- 3.22 Waste Petroleum Product: any petroleum product other than gaseous fuels that has been refined from crude oil, and has been used, and, as a result of use, has been contaminated with physical or chemical impurities.
- 3.23 Wood Burning Heater: an enclosed, wood burning appliance capable of and intended for space heating (i.e. wood stove or wood burning fireplace insert).

4.0 Exemptions

The following devices are exempt from the provisions of this rule:

- 4.1 Devices that are exclusively gaseous-fueled.
- 4.2 Cookstoves, as described in Code of Federal Regulations 60.531.

5.0 Requirements

5.1 Sale of Wood Burning Heaters

- 5.1.1 No person shall sell, offer for sale, supply, install, or transfer a new wood burning heater unless it is EPA Phase II Certified, or is a pellet-fueled wood burning heater.
- 5.1.2 No person shall advertise, sell, offer for sale, supply, install, or transfer a used wood burning heater unless it has been rendered permanently inoperable, or is EPA Phase II Certified, or is a pellet-fueled wood burning heater.
- 5.1.3 Retailers selling or offering for sale new wood burning heaters shall supply public awareness information with each sale of a wood burning heater in the form of pamphlets, brochures, or fact sheets on the following topics listed in sections 5.1.3.1 through 5.1.3.5. Public awareness information shall be subject to the review and approval of the APCO.
 - 5.1.3.1 Proper installation, operation, and maintenance of the wood burning heater,
 - 5.1.3.2 Proper fuel selection and use,

5.1.3.3 Health effects from wood smoke,

5.1.3.4 Weatherization methods for the home, and

5.1.3.5 Proper sizing of wood burning heaters.

5.1.4 Sections 5.1.1 and 5.1.2 do not apply to wood burning heaters subject to Section 5.2.

5.2 Sale or Transfer of Real Property

Beginning January 1, 2004,

5.2.1 No person shall sell or transfer any real property which contains a wood burning heater without first assuring that each wood burning heater included in the real property is EPA Phase II Certified, a pellet fueled wood burning heater, permanently rendered inoperable, or removed.

5.2.2 Upon the sale or transfer of real property, the seller shall provide to the recipient of the real property, and to the APCO, documentation of compliance with section 5.2.1 of this rule. Documentation shall be in the form of a statement signed by the seller describing the type(s) of wood burning heater(s) included in the real property transaction, and any action taken to comply with section 5.2.1. The APCO shall make blank forms available to the public for the purpose of fulfilling this requirement.

5.2.3 Documents required by section 5.2.2 shall be retained by the recipient of the real property and shall be made available to the APCO upon request.

5.3 Limitations on Wood Burning Fireplaces or Wood Burning Heaters in New Residential Developments

Beginning January 1, 2004,

5.3.1 No person shall install a wood burning fireplace in a new residential development with a density greater than two (2) dwelling units per acre.

5.3.2 No person shall install more than two (2) EPA Phase II Certified wood burning heaters per acre in any new residential development with a density equal to or greater than three (3) dwelling units per acre.

5.3.3 No person shall install more than one (1) wood burning fireplace or wood burning heater per dwelling unit in any new residential development with a density equal to or less than two (2) dwelling units per acre.

5.4 Advertising Requirements for Sale of Wood

- 5.4.1 No person shall sell, offer for sale, or supply any wood which is orally or in writing, advertised, described, or in any way represented to be “seasoned wood” unless the wood has a moisture content of 20 percent or less by weight.
- 5.4.2 The APCO may delegate to another person or agency the authority to test wood for moisture content and determine compliance with section 5.4.1.

5.5 Prohibited Fuel Types

No person shall cause or allow any of the following materials to be burned in a wood burning fireplace or wood burning heater:

- 5.5.1 Garbage,
- 5.5.2 Treated wood,
- 5.5.3 Plastic products,
- 5.5.4 Rubber products,
- 5.5.5 Waste petroleum products,
- 5.5.6 Paints and paint solvents,
- 5.5.7 Coal, or
- 5.5.8 Any other material not intended by a manufacturer for use as fuel in a solid fuel burning device.

5.6 Episodic Wood Burning Curtailment

This section shall be in effect during the months of November through February.

- 5.6.1 No person shall operate a wood burning fireplace or wood burning heater whenever the APCO notifies the public that an Episodic Curtailment is in effect for the region in which the wood burning fireplace or wood burning heater is located.
- 5.6.2 The APCO shall notify the public of an Episodic Curtailment for a geographic region whenever an Air Quality Index (AQI) value of 150 or greater is predicted for the geographic region (county). AQI is described in 40 CFR Part 58, and is determined daily by the APCO or designee.

5.6.3 The following wood burning fireplaces and wood burning heaters are not subject to the provisions of sections 5.6.1:

5.6.3.1 Those that are 3,000 feet or more above mean sea level.

5.6.3.2 Those in locations where natural gas service is not available.

5.6.3.3 Those that are the sole source of heat in a residence.

5.6.4 Episodic Curtailment Notice

The APCO shall notify the public of each Episodic Curtailment by any of the following methods:

5.6.4.1 Provide notice to newspapers of general circulation within the San Joaquin Valley.

5.6.4.2 Broadcast of messages presented by radio or television stations operating in the San Joaquin Valley.

5.6.4.3 A recorded telephone message for which the telephone number is published in the telephone directory or newspaper of general circulation within the San Joaquin Valley.

5.6.4.4 Messages posted on the District's website, www.valleyair.org.

5.6.4.5 Any other such method as the APCO determines is appropriate.

6.0 Administrative Requirements

6.1 Upon request of the APCO, the manufacturer shall demonstrate that each wood heater subject to the requirements of sections 5.1 or 5.2 meets EPA's Phase II certification standards as applicable.

6.2 Moisture content of wood shall be determined by ASTM Test Method D 4442-92.